

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Revision No. 3580 of 2006

Date of decision: 09.10.2006

Hardeep Singh

..... Petitioner.

Versus

Parkash Kaur and others

..... Respondents.

CORAM: HON'BLE MR. JUSTICE P.S. PATWALIA

Present:- Mr. Karanjit Singh, Advocate
for the petitioner.

Mr. N.S. Sodhi, Advocate
for respondent No.1.

Mr. I.S. Saggu, Advocate
for respondent No.2 to 6.

P.S. PATWALIA, J. (ORAL)

The present revision petition has been filed challenging the order dated 23.05.2006 passed by learned Civil Judge (Junior Division), Taran Taran vide which an application filed by the petitioner- defendant Nos. 9 and 10 in the suit, for permission to take the photographs of the alleged signatures of Lamberdar Surjan Singh on the sale deed dated 01.08.1985 for comparison with his admitted signatures has been declined.

Plaintiff Parkash Kaur, respondent No.1 in this revision petition has filed the suit for possession by way of partition of the property subject matter of the suit. She is relying upon a sale deed executed in her favour by

one Massa Singh on 01.08.1985. On the other hand, the petitioners are arrayed as defendant Nos. 9 and 10 in the civil suit. They have set up in a counter claim qua the same property and they are claiming ownership over the same on the basis of a subsequent sale deed.

In the aforesaid suit, the petitioners have filed the application stating therein that the signatures of one Surjan Singh as an attesting witness on the sale deed were in fact forged. Therefore they prayed that the disputed signatures of Surjan Singh should be permitted to be photographed so that they can be compared with the admitted signatures of Surjan Singh. It is this application, which has been rejected by the trial Court. While rejecting the application, the trial Court has noticed that the executant of the sale deed has not stated anything with regard to the fact that the sale deed is forged. Still further the trial Court has noticed that no admitted English signatures of Surjan Singh has placed on record with which the disputed signatures can be compared.

Learned counsel for the petitioner before me has argued that in fact Surjan Singh did not know English. He has never signed anywhere in English and all his signatures are in Urdu. He submits that he placed on record some documents to show that he has been signing in Urdu. I am of the opinion that in view of this argument the very basis of getting the signatures on the sale deed compared with the admitted English signatures of Shri Surjan Singh by filing the present application stands knocked out. The requirement of comparison of the English signatures of Surjan Singh with his admitted signature could arise only if Surjan Singh had signed elsewhere in English and it has been contended that the present

signatures are not English signature of Surjan Singh. However since it is the stand of the petitioner that Shri Surjan Singh has never signed in English and rather only signed in Urdu, then there is no necessity of getting these signatures compared with any other English signature of Shri Surjan Singh as no English signature of Shri Surjan Singh can possibly be genuine in view of the stand taken that he used to sign only in Urdu. Therefore I do not find any error in the view taken by the trial court while rejecting the application filed by the petitioner.

The present revision petition is accordingly dismissed.

October 09, 2006
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(P.S. PATWALIA)
JUDGE